United Nations CEDAW/C/DEN/5/Add.1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
16 October 2001

Original: English

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Connection on the Elimination of All Forms of Discrimination against Women

Fifth periodic report of States Parties

Denmark

Addendum

Article 2 — Constitution and legislation

Act No. 388 of May 2000 on Equal Treatment of Women and Men implements the new organization of working towards gender equality with the establishment of a departmental unit in the summer of 2000, the establishment of a complaints board for discrimination on grounds of gender, the Gender Equality Board, and at the end of 2000 the Knowledge Centre for Gender Equality, which has commenced its work.

The Act is based on the implementation of the principle of mainstreaming in all public administration. The Minister for Gender Equality must present a report on equal status once a year to the Folketing (Danish Parliament). Prohibitions against discrimination for reasons of gender, also outside of the labour market are also introduced. Measures to promote equal status which aim at preventing or compensating for discrimination can be initiated. The rules concerning the gender composition of public committees and boards appointed by a government minister have been tightened, and the Act states that there should be equal representation of women and men on such committees and boards. In 2000 40 per cent of the membership of new committees consisted of women.

Act No. 440 of 7 June 2001 to amend the Equal Treatment Act, the Equal Pay Act, the Childminding Act, the Gender Equality Act and the Act of Occupational Pension Schemes, entered into force on 1 July 2001. This Act introduces so-called shared burden of proof in cases involving discrimination on grounds of gender within the area of the individual acts. This means that a complainant must prove actual circumstances which lead to the belief of the presence of gender discrimination, after which the defendant must prove that no discrimination has taken place.

The greater part of the Act concerns the implementation of Council Directive 97/80/EEC on burden of proof in connection with discrimination on the labour market on grounds of gender (the Burden of Proof Directive).

The major purpose of the Burden of Proof Directive is to seek to ensure more efficient implementation of the fundamental principle of equal treatment. The Council Directive covers only cases concerning equal treatment on the labour market,

01-58218 (E) 051101

although a decision was also made to introduce similar rules on shared burden of proof in the area of the Equal Treatment Act, i.e., cases concerning discrimination outside of the labour market. With this amendment, a definition of indirect discrimination was established in law. The Act also established that sexual harassment is discrimination and an infringement of the rules concerning equal treatment, as has been established by many years of Danish case law.

Act No. 445 of 7 June 2001 amended the Equal Pay Act. This amendment contained two main elements: the right of the wage-earner to pass on information concerning wages to all and sundry; and an obligation for enterprises with more than 10 employees to draw up gender-divided wage statistics upon request. These amendments are to help create greater openness concerning wages and provide shop stewards and trade unions with better tools in the work of promoting equal pay.

Simultaneously, the Minister for Labour and the Minister for Gender Equality were obliged to draw up a report on equal pay to be presented to the Folketing every three years. This report will contain statistical material that provides adequate information to make unequal pay visible, and also more specifically give an account of initiatives already taken in the area and any proposals for new initiatives. The first report is to be prepared in 2003. The Act entered into force on 1 July 2001.

Article 3 — Gender mainstreaming

An interdepartmental steering group for the implementation of the mainstreaming strategy was appointed as a follow-up to the Gender Equality Act. The members of the steering group — 21 in all, all top officials from each ministry — were appointed by the ministers. The group commenced work in March 2001.

The steering group is responsible for the general implementation of the strategy in all sectors and government units. The steering group has been organized with the purpose of ensuring management anchorage and commitment in the implementation process. The responsibility of the group implies initiatives for launching projects in all ministries as well as a responsibility for the overall vision and action plan for implementing the strategy. The perspective for this implementation is five years — 2001-2005.

The Departmental Unit for Gender Equality acts as the secretariat for the steering group and the Unit has allocated an expert to the project with the aim of offering assistance and support to the steering group. The Unit has also established a network consisting of core officials from the mainstreaming projects in the individual ministries.

The objective of the network is to build up competencies concerning mainstreaming, to train members in gender equality and mainstreaming issues, to create a system for mutual support and to assist members in the exchange of experience of functioning as "the worker bees" in mainstreaming. The network also has the role of mainstreaming ambassador.

At present all 21 ministries are either in the process of drawing up project descriptions or projects have been initiated within their core areas of responsibility. One example is the project under the Ministry of Transport about the mainstreaming of traffic safety campaigns, which takes as its starting point the different patterns of women and men in the traffic accidents in which they are involved. Another example is the project under the Ministry of Food, Agriculture and Fisheries on nutritional information, where existing knowledge about the different food habits of women and men will be utilized in future food habit studies, nutritional information and knowledge about food consumption. A third example is the project under the Ministry of Housing and Urban Affairs on the mainstreaming of housing planning and policy as part of a programme upgrading services offered to the public.

The projects touch on many areas of public policy and contain many of the core elements in implementing mainstreaming: data analysis, input to policies and legislation, communication and campaign strategies, resource analyses and capacity-building on knowledge of gender equality.

Article 4 — Equality bodies

Departmental Unit for Gender Equality

A Departmental Unit for Gender Equality has been set up under the Minister for Gender Equality. This Unit attends to government work towards gender equality by means of coordination, development and implementation of the Government's gender equality

policy, and serves the Minister for Gender Equality and the Folketing in matters concerning gender equality.

Its tasks encompass:

- Preparing legislation and administrative rules concerning gender equality;
- Coordinating efforts of public authorities towards gender equality as part of the implementation of the mainstreaming strategy;
- Drawing up the annual report on gender equality for the Folketing;
- Implementing and evaluating the Minister's perspective and action plan for gender equality;
- Responsibility for the Minister's areas of priority;
- Providing services for the Gender Equality Board;
- Following the development of the gender composition of certain public committees and boards;
- Gender equality representation in a number of international forums, including the United Nations, the European Union and the Nordic Council of Ministers.

The Departmental Unit is for the time being placed organizationally under the Ministry of Housing and Urban Affairs as the Minister for this area also serves as Minister for Gender Equality.

Knowledge Centre for Gender Equality

The Knowledge Centre for Gender Equality is a non-profit institution whose objective is to promote, qualify and create debate concerning gender equality of men and women and to support endeavours to incorporate gender equality in all policies, planning and administration.

The Centre is charged with communicating information concerning gender equality to the general public.

The Centre can point to the need for and also launch studies, research, analyses and the like, which are of importance for ensuring broad-based debate on gender equality.

The Centre is headed by a board consisting of representatives from the labour market parties, women's and men's organizations, and researchers. The Centre is to be the connecting link for organizations, authorities, researchers and others with an interest in gender equality.

The Centre has established a forum for debate, the members of which have insight into and an interest in gender equality or other relevant social conditions. Its composition reflects the breadth of the gender equality debate with reference to gender, age, occupation and ethnic origin.

At present the Centre is working on the following eight themes concerning gender equality issues:

- Reducing gender division of labour — equal pay;
- Men on their way — where? About men and gender equality;
- Well-being of parents of small children, division of responsibility, economy, working conditions and working hours;
- Gender, equal status and ethnicity;
- Mainstreaming;
- Sexualization of the public area;
- Prostitution and trafficking in women;
- Violence in families and partnerships.

Gender Equality Board

The Gender Equality Board consists of a chairperson, who is a judge, and two other members who must be lawyers with expertise in the areas of gender equality and labour market conditions, respectively.

The Board handles concrete complaints about discriminatory treatment of women and men. Any citizen can appeal to the Board and the intention is to provide the citizen, free of charge and more simply, with access to acquire decisions on complaints concerning gender discrimination. If an employee is a member of a trade union and the matter that is the subject of the complaint is covered by a labour agreement, the person in question must first approach her or his trade union. If the trade union either cannot or will not submit the matter to arbitration or the Industrial Court, the Board has the competence to handle the case.

A citizen can complain about discrimination in the labour market, the education, health and social sectors, private enterprises and the finance sector.

The decisions of the Board are binding and administratively final and the Board is empowered to award compensation to the complainant if the Gender Equality Act has been violated. In very special cases the Board can overrule a dismissal unless the working relationship is regarded as spoiled.

The Board held its first meeting in July 2000 and has subsequently held 11 meetings and taken decisions in 26 cases. The Board secretariat has received approximately 55 written complaints; a settlement has been reached in 2 of those cases and 14 have become inoperative or have been rejected as not suitable for processing by the Board.

Article 5 — Priorities

The Danish Government finds it important that gender equality is continuously on the political agenda. Thus, the Gender Equality Act stipulates that every two years Government institutions are to draw up reports on gender equality and that once a year the Minister for Gender Equality must present a report and a perspective and action plan for gender equality to the Folketing. The Minister presented the 2001 report to the Folketing on 2 March 2001.

Priority areas for the Minister for Gender Equality in 2001 are:

- Combating inequalities in pay;
- Cohesion between working life and family life;
- Diversity as a resource — in enterprises and the rest of society;
- Dialogue on gender equality and ethnic minorities;
- Combating violence against women and trafficking in human beings;
- Mainstreaming — a strategy for working with gender equality.

The objective of the Government's gender equality policy is expressed in the report: Gender equality is a prerequisite for maintaining and developing the Danish welfare society and democracy. Gender equality must be placed high on a humanistic agenda that ensures equal treatment of women and men and views diversity between people as a resource and basis for economic growth. It is the aim that all citizens, women as well as men, have the opportunity to contribute wholly and completely with their resources and potentialities to the benefit of the individual and society.

Combating inequalities in pay

In February 2000 the Minister for Gender Equality and the Minister for Labour hosted a conference to celebrate the twenty-fifth anniversary of the Equal Pay Act. A campaign entitled "The difference is not all that small" was carried out in the weeks preceding the conference. The aim of the campaign was to raise awareness of the differences between women's and men's pay that still exist.

With a view to developing new methods to achieve equal pay, the Minister for Gender Equality and the Minister for Labour have established a network of representatives from 15 large enterprises. The objective of the network is to create a forum where firms can exchange experience on how to achieve equal pay for equal work or work of the same value. The development and testing of models for job evaluations is one of the tasks being dealt with by the working group.

Cohesion between working life and family life

The Minister for Gender Equality has placed particular focus on family policy at the place of work. In August 2001 a hearing was held with the title: "Father, mother, job — and children". The hearing had two objectives: to discuss the way in which enterprises can promote a culture in which it is equally accepted for fathers as well as mothers to spend working time on their children; and to discuss the way in which working time can be adapted to different phases of life, and how to avoid flexible working hours meaning that the mother flexes her working hours *down* while the father flexes his *up*.

In connection with the hearing a brochure was published entitled "Family-friendly places of work — 2001", in which case stories from various family-friendly enterprises are presented. At the same time the enterprises' own interest in introducing family-friendly measures is presented — especially in a situation with recruitment problems and a small number of births. It is also pointed out that family friendliness does not

apply only to families with small children. Older staff and staff with no children or older children might need flexibility to take care of family-related tasks.

The Minister's hearing placed focus on the development of women's and men's working hours. The trend is clear: women are working more and men are working less.

However, there is still a difference between the number of weekly hours women and men spend on the labour market. The most recent figures from 2001 show that while 75 per cent of those who work less than full time (37 hours) are women, 75 per cent of those working more than 37 hours are men. It is especially low-level women wage earners who work less than 37 hours while male executives and self-employed men predominate among those who work more than 37 hours.

Diversity as a resource — in enterprises and the rest of society

Diversity as a resource in working towards gender equality has exploded the notion that gender equality requires and means that everyone should be the same. There must be room for diversity and it must be allowed to develop in the individual and the community — on the job, in political life and in the rest of society. Diversity gives strength — strength to work, social strength and enhanced competitiveness. Diversity should be regarded as a resource and not as a problem.

The Minister for Gender Equality took the initiative to follow up this issue at the international conference in Vilnius in June 2001: "WoMen and Democracy", in a workshop on "Gender aspects in minorities", a workshop that received support and backing for its innovation in the approach to the subject.

In October 2001 the Departmental Unit for Gender Equality is to hold a workshop in Copenhagen on diversity with papers from national and international organizations on the theme "Diversity — tools, methods and results". The participants are people who work actively with diversity in private and public enterprises and in organizations, and researchers.

In January 2002 the Minister for Gender Equality is to hold a conference on diversity in cooperation with the labour market parties.

Dialogue on gender equality and ethnic minorities

The objective of the work on gender equality and ethnic minorities is to promote gender equality among ethnic minorities as this is a precondition for successful integration. The right of the individual woman and man to participate in the life of society and on the labour market applies to all. Citizens with a different ethnic background represent a multiplicity and a resource in Danish society. With respect to family life it is important that all citizens have the same opportunities to decide their own lives. Therefore all young people, irrespective of ethnic background, also have the right to decide with whom they will share their lives. Forced marriages violate the integrity of the individual and therefore cannot be accepted.

The Government has taken the following initiatives:

- A campaign concerning gender and ethnic minorities. The Minister for Gender Equality and the Minister for the Interior are running a campaign about gender and ethnic minorities consisting of a number of visits around Denmark where they meet many and very different groups of ethnic minorities and enter into dialogue primarily with ethnic women and girls about their conditions of life and everyday lives.

- Establishing a network about gender and ethnic minorities. A permanent network on gender and ethnic minorities has been established. Participants in the network are organizations which represent ethnic minorities, researchers and several organizations working on a daily basis with problems concerning ethnic minorities and girls/women. The network follows the current debate about gender and ethnic equality and finds new angles. In the network, moreover, experience and information are to be exchanged about activities within the area and the sitting members can point out the need for studies, hearings and the like.

Violence against women

On the basis of their discussions about violence against women in the home, in the course of 2000 and 2001 the interdepartmental working group mentioned in the fifth periodic report has drawn up a status report about domestic violence against women in Denmark and a list of recommendations. At the end of October 2001 the Government will publish a proposal for a

national plan of action to combat violence against women. In general the Government wishes to strengthen endeavours against domestic violence by means of coordinated, holistic efforts which promote interdisciplinary cooperation between the groups of professionals who meet victims and practitioners of violence. Primary areas are: a nationwide campaign about interdisciplinary cooperation; an analysis of the capacity of the crisis centres; treatment services for violent men; and better information for victims of violence. To ensure the best recommendations, in December 2001 the Government will hold a public hearing concerning a proposal for an action plan, where non-governmental organizations, experts and the like will participate.

The Government has presented a bill to amend the Penal Code with a view to increasing the penalty for rape. The reason for this bill is that the present level of punishment does not adequately reflect the extent to which the integrity and sexual self-determination of the victim is violated.

Trafficking in women

The interdepartmental group mentioned in the fifth periodic report, on the basis of its discussions concerning trafficking in women and children, will draw up a status report on the situation in Denmark and a list of possible initiatives. It is the Government's plan that this should form the basis of a proposal for a national plan of action to combat trafficking in human beings. This proposal is expected to be launched at the end of 2001.

The Minister for Gender Equality, the Ministry of Social Affairs and the National Commission of the Danish Police are cooperating on an Eastern European support project with the Baltic States. The working group is considering launching information campaigns, initiating training seminars for professionals and improving repatriation possibilities in one or more of the Baltic sender countries.

Denmark participates in cooperation with the other Nordic and Baltic countries in two working groups under the Nordic Council of Ministers. A number of initiatives are being planned to combat trafficking in women, including a joint Nordic nationwide information campaign.

The Government is planning to present a bill to amend the Penal Code with a view to increasing the maximum penalty to eight years imprisonment for those convicted of trafficking in human beings.